

Message Text

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ACTION EB-11

INFO OCT-01 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03 SWF-02

AGR-20 AID-20 CIAE-00 COME-00 INR-11 LAB-06 NSAE-00

OIC-04 RSC-01 SIL-01 STR-08 TRSE-00 CIEP-03 CEA-02

L-03 SCI-06 FEAE-00 JUSE-00 AF-10 ARA-16 EA-11 EUR-25

NEA-14 NSC-07 SSO-00 NSCE-00 USIE-00 INRE-00 DRC-01

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O R 251900Z JUL 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 7383

INFO USMISSION USUN NY

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PASS EB/CBA/BP-WINTER AND EB/OIT/GCP-BALCK

PASS PATENT OFFICE --KIRK

E.O. 11652: N/A

TAGS: EIND, UNCTAD

SUBJ: UNCTAD INTERGOVERNMENTAL GROUP (IGG) ON

TRANSFER OF TECHNOLOGY: ROLE OF PATENT

SYSTEM RESOLUTION CRP 4

REF: GENEVA 4769

1. GROUP OF 77 (DEVELOPING COUNTRIES) HAVE WITHDRAWN
PROPOSED RESOLUTION L-16 AND HAVE INTRODUCED IN ITS
PLACE CRP 4 WHICH WAS NEGOTIATED IN CHAIRMAN'S SMALL
CONTACT GROUP BUT SUBSEQUENTLY REJECTED BY GROUP B.

2. IT IS LIKELY THAT THIS RESOLUTION WILL BE VOTED
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UPON ON FINAL DAY OF IGG FRIDAY, JULY 25. WITH FEW

MINOR EXCEPTIONS (TURKEY, NETHERLANDS, FINLAND) GROUP B COUNTRIES INCLUDING THE US WILL ABSTAIN. IF GROUP B SOLIDARITY DISSOLVES ON THIS ISSUE THE US WILL VOTE AGAINST RESOLUTION CRP 4 UNLESS INSTRUCTED OTHERWISE.

3. THERE IS PROBABILITY THAT GROUP B COUNTER-RESOLUTION TRANSMITTED IN GENEVA REFTEL WILL NOT RPT NOT BE VOTED UPON AS IT AS INTRODUCED FORMALLY AFTER THE ABOVE RESOLUTION CRP 4.

4. RESOLUTION CRP 4 IS AS FOLLOWS:

QUOTE

RECOGNIZING THE IMPORTANCE OF THE TRANSFER OF TECHNOLOGY, INCLUDING PATENTED AND NON-PATENTED TECHNOLOGY, IN FULFILLING THE DEVELOPMENT OBJECTIVES OF THE DEVELOPING COUNTRIES AND ITS ROLE IN THE IMPLEMENTATION OF THE RELEVANT PROVISIONS OF THE INTERNATIONAL DEVELOPMENT STRATEGY FOR THE SECOND UNITED NATIONS DEVELOPMENT DECADE;

RECALLING RESOLUTION 39(III), PARTICULARLY ITS PARAGRAPH 10, REQUESTING A STUDY BRINGING UP TO DATE THE REPORT BY THE SECRETARY-GENERAL OF THE UNITED NATIONS ON THE ROLE OF PATENTS IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES, DEVOTING SPECIAL CONSIDERATION TO THE ROLE OF THE INTERNATIONAL PATENT SYSTEM IN SUCH TRANSFER, WITH A VIEW TO PROVIDING A BETTER UNDERSTANDING OF THIS ROLE IN THE CONTEXT OF A FUTURE REVISION OF THE SYSTEM;

NOTING WITH APPRECIATION THE REPORT PREPARED JOINTLY BY THE UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, THE UNCTAD SECRETARIAT AND THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) FOR THE SUBSTANTIVE (THIRD) SESSION OF THE INTER-GOVERNMENTAL GROUP INTITLED "THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES", AND THE COMMENTS MADE THEREON;

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RECONGIZING THE WORLDINTELLECTUAL PROPERTY OR-GANIZATION'S COMPETENCE IN THE LEGAL AND TECHNICAL ASPECTS OF THE TRANSFER OF TECHNOLOGY RELATING TO INDUSTRIAL PROPERTY;

BEARING IN MIND THAT THE WORK IN THIS FIELD SHALL BE CARRIED OUT IN THE CONTEXT OF MAKING PATENT LAWS AND PRACTICES CAPABLE OF EFFECITVELY COMPLEMENTING

OTHER INSTRUMENTS OF POLICY FOR NATIONAL DEVELOPMENT,
FACILITATING THE TRANSFER OF FOREIGN TECHNOLOGY AND
IMPROVING THE SCIENTIFIC AND TECHNOLOGICAL INFRA-
STRUCTURE OF DEVELOPING COUNTRIES AND THE COMPETENCE
OF UNCTAD IN THE ECONOMIC, COMMERCIAL AND DEVELOPMENT

1. REQUESTS THE SECRETARY-GENERAL OF UNCTAD TO
CIRCULATE THE STUDY "THE ROLE OF THE PATENT SYSTEM
IN THE TRANSFER OF TECHNOLOGY TO DEVELOPING COUNTRIES"
(TD/B/AC.11/19 AND ADD.1) TO GOVERNMENTS MEMBERS OF
UNCTAD AND TO SEEK THEIR WRITTEN COMMENTS THEREON;

2. REQUESTS FURTHER THE SECRETARY-GENERAL OF UNCTAD,
AFTER RECEIVING WRITTEN COMMENTS, TO CONVENE A GROUP
OF EXPERTS TO STUDY ALL RELEVANT ASPECTS OF THE INTER-
NATIONAL PATENT SYSTEM WHICH HAVE A BEARING ON THE
DEVELOPMENT PROCESS OF DEVELOPING COUNTRIES WITH A
VIEW TO PROVIDING A BETTER UNDERSTANDING OF THE ROLE
OF THAT SYSTEM IN THE CONTEXT OF A POSSIBLE FUTURE
REVISION OF THE SYSTEM AIMED AT REFLECTING THE
SPECIAL NEEDS OF DEVELOPING COUNTRIES AND TO MAKE
RECOMMENDATIONS THEREON;

3. RECOMMENDS THAT THE GROUP WILL CONSIST OF GOVERN-
MENTAL EXPERTS FROM 18 COUNTRIES TAKING INTO ACCOUNT
EQUITABLE GEOGRAPHICAL DISTRIBUTION;

4. DECIDES THAT IN PURSUANCE OF ITS TASK THE EXPERT
GROUP WILL CONSIDER THE FOLLOWING INTER ALIA:

(A) THE IMPORTANCE OF UTILIZING THE INTERNATIONAL
PATENT SYSTEM AS EFFECTIVE INSTRUMENTS OF
POLICY FOR NATIONAL DEVELOPMENT;
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(B) THE NEED TO TAKE INTO ACCOUNT IN ANY REVISION
OF THE PATENT SYSTEM THE PROMOTION OF NATIONAL
SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES OF
DEVELOPING COUNTRIES AND THE IMPROVEMENT OF
THEIR ACCESS TO TECHNOLOGY;

(C) THE EVALUATION OF THE TYPE OF INDUSTRIAL PROPERTY
SYSTEM OR ANY OTHER SYSTEM WHICH MIGHT BE NEEDED
BY DEVELOPING COUNTRIES FOR IMPROVING THEIR
NATIONAL SCIENTIFIC AND TECHNOLOGICAL INFRA-
STRUCTURE TAKING INTO ACCOUNT THEIR DIFFERENT
STAGES OF INDUSTRIALIZATION;

(D) IN CARRYING OUT ITS STUDIES AND SUBMITTING ITS

RECOMMENDATIONS, THE GROUP OF EXPERTS SHALL
GIVE SPECIAL CONSIDERATION TO THE POSITION OF THE
LEAST DEVELOPED AMONG THE DEVELOPING COUNTRIES;

5. REQUEST FURTHER (THE COMMITTEE ON TRANSFER OF
TECHNOLOGY) AT ITS NEXT SESSION TO CONSIDER THE EXPERT
GROUP'S REPORT AND RECOMMEND APPROPRIATE ACTION THEREON.
UNQTE.ABRAMS

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